Attorney Docket No.:

44805-0001 DI1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of

Jeffrey D. Brady

Simon P. Robins

Serial No.: Not Yet Assigned

Filed:

Herewith

For:

METHOD OF ASSAYING PYRROLE-CONTAINING **BIOLOGICAL COMPOUNDS**

MAIL STOP PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Group Art Unit: Not Yet Assigned

Examiner:

Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. § 1.56 and in accordance with 37 C.F.R. §§1.97-1.98, submitted herewith is an accompanying substitute Form PTO-1449.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

EXPRESS MAIL Mailing Label Number: EV320479062US September 26, 2003 Date of Deposit:

I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, on the date indicated above, and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

> Signature of person mailing page: KAREN M. SPINA

Type or print name of person

Attorney Docket No.: 44805-0001 DI1

The Examiner is requested to review each of the references and make them of record during the prosecution of this application as required by M.P.E.P. §609. It is requested that the Examiner initial the duplicate substitute Form 1449, and return one copy to the undersigned.

Pursuant to 37 C.F.R. § 1.98(d), copies of the references listed in the PTO Form 1449 are not enclosed, since this patent application is a divisional of U.S. Application No. 09/970,328, filed October 3, 2001. A copy of each listed reference is contained in the file of Application No. 09/970,328. The Examiner should contact the undersigned if additional copies of any of the listed references are needed.

A photocopy of the Information Disclosure Statement filed January 16, 2003 in U.S. Application No. 09/970,328 is submitted herewith, providing a brief characterization of the references, except for references DA and DB.

This Information Disclosure Statement should not be construed as a representation that the cited references are material or that no better art exists.

Respectfully submitted,

JEFFREY D. BRADY, et al.

DANIEL A. MONACO Registration No. 30,480

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Attorney for the Applicants

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PATENT

Attorney Docket No.:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Patent application of

Jeffrey D. Brady, et al

Group Art Unit: 1641

Serial No.:

09/970,328

Filed:

October 3, 2001

Examiner: Not yet

assigned

For:

METHOD OF ASSAYING

PYRROLE-CONTAINING BIOLOGICAL

COMPOUNDS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.56 and in accordance with 37 C.F.R. §§1.97-1.98, submitted herewith are copies of the references listed in the accompanying Form PTO-1449.

The examiner is requested to review the items listed on the attached PTO Form-1449 and make them of record in the instant application as required by M.P.E.P. §609. It is requested that the Examiner initial the enclosed duplicate substitute Form -1449, and return one copy to the undersigned.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an lessed to Commissioner for Patents, Washington, D.C. 20231.

DRINKER, BIDDLE & REATH, LLP

This Information Disclosure Statement should not be construed as a representation that the cited references are material or that no better art exists.

Brief Characterization of References

US 5,532,169

A method of determining carilage degradation. The method includes quantitating the concentration of a peptide in a body fluid sample. The peptide comprises:

Wherein Hyl - Hyl - Hyl is hydroxylysyl pyridinoline.

US 5,641,837

A method of determining cartilage degradation. The method includes analysing a body fluid sample for the presence of an analyte by assessing the binding of the analyte to an immunological binding partner. The immunological binding partner is capable of binding to a peptide comprising a c-terminal type II collagen telopeptide containing a hydroxylsyl pyridinoline cross-link.

US 5,652,112

A method of analysing a body fluid sample for the presence of an anlyte indicative of type I collagen degradation. The method includes assessing the binding of the analyte to an immunological binding partner. The immunological binding partner is capable of binding to a peptide containing a 3-hydroxypyridinium cross-link derived from the carboxyterminal telopeptide domain of type I collagen. The peptide comprises:

Wherein K-K-K is a 3-hydroxypyridinium cross-link selected from hydroxylysyl pyridinoline and lysyl pyridinoline.

US 5,834,221

A method of analysing a body fluid sample for the presence of an analyte indicative of type I collagen degradation. The method includes assessing the binding of the analyte to an immunological binding partner. The immunological binding partner is capable of binding to a peptide derived from type I collagen. The peptide comprises two amino acid sequences derived from the carboxy-terminal telopeptide domain of the X1 (I) chain of type I collagen.

US 5,576,189

A method of analysing a body fluid sample for the presence of an analyte indicative of a type I collagen dregradation. The method includes assessing the binding of the assay to an immunological binding partner. The immunological binding partner is capable of binding to a peptide comprising:

Wherein K-K-K is a 3-hydroxypyridinium cross link.

US 5,656,439

A method of analysing a body fluid sample for the presence of an analyte indicative of a type I collagen degradation in vivo. The immunological binding partner is capable of binding to a peptide comprising:

US 5,945,274

A method of analysing a body fluid sample for the presence of an analyte. The method includes determining the concentration of free lysyl pyridinoline in a urine sample. The concentration is correlated to bone resorption in vivo, wherein the urine sample is hydrolyzed.

US 4,973,666

A method for assaying bone resorption rates by quantitating the concentration of peptide fragments derived from bone collagen, found in a body fluid. The method includes immunometric assay, flurometric assay and electrochemical titration. The structure of specific peptide fragments having 3-hydroxypyridiniym cross-links found in urine of Paget's disease patients and procedures for making monoclonal antibodies is also described, particularly a purified peptide fragment comprising the following amino acid sequence:

US 5,834,221

A method of analysing a body fluid sample for the presence of an analyte indicative of type I collagen degradation. The method includes assessing the binding of the analyte to an immunological binding partner to the analyte. The immunological binding partner is capable of binding to a peptide containing a 3-hydroxypyridiniym cross-link derived from type I collagen.

US 5,939,274

A method of monitoring a patient's response to an anti-resorptive thereapy. The method includes assessing any binding between a body fluid sample and an immunological binding partner specific for a cross-linked telopeptide having a sequence identical to that of a cross-linked amino-terminal or carboxy-terminal telopeptide produced in vivo upon degradation of type I collagen.

US 5,736,344

A method of assaying bone collagen breakdown levels in a human subject useful to screen for the presence of bone resorption disorders. The method includes assessing any binding between a body fluid sample and an antibody, wherein the antibody is specific to N-Pyd and/or N-Dpd.

US 5,972,623

A method of determining the level of type I collagen fragments in a biological fluid using an antibody which is immunospecific for an epitope contained in one of the following sequences:

- 1. Ala-Hyp-Gly-Asp-Arg-Gly-Glu-Hyp-Gly-Pro-Hyp-Gly-Pro-Ala, or
- 2. Gly-Asn-Ser-Gly-Glu-Hyp-Gly-Ala-Hyp.

- 4 -

Under conditions effective to allow determination of the level of collagen fragments in the sample which contain the epitope. The method is useful for assessing the level of bone collagen degradation, particularly in humans. Also disclosed are antibodies and kits which can be used in the method.

The following Patents relate to immunoassays to determine collagen degradation or for assessing bone resorption.

US 6,010,863

A sandwich-type immunoassay for the detection and/or quantitation of collagen degradation products in biological samples such as blood, serum, plasma, sputum and cell cultures. The immunoassay uses a first antibody directed to an epitope present on a collagen molecule at a distance of up to 165 amino acids from a collagen telopeptide crosslink site, and a second antibody directed at another epitope of the crosslinked collagen molecule.

US 6,025,144

An immunoassay test kit including an immunological binding partner that binds to lysyl pyridinoline, for analysing a body fluid sample for bone resorption in vivo.

US 6,027,903

Immunoassay test kit for detecting analyte indicative of type I collagen resorption in vivo, comprising an immunological binding partner which binds to an amino-terminal or carboxy-terminal 3-hydroxypyridiniym cross-linked telopeptide of type I collagen isolatable from a urine sample of a patient with active Paget's disease, wherein the immunological binding partner does not cross-react more than 10% with the type II and type III collagen telopeptides of the following formulas:

The following Patents disclose a method of determining the presence of a physiological condition by assessing the binding of an immunological binding partner to a specific peptide.

US 5,962,236

A method of analysing a body fluid sample for the presence of an analyte indicative of a physiological condition. The method includes assessing the binding of the analyte to an

immunological binding partner. The immunological binding partner is capable of binding to free lysyl pyridinoline cross-links and the body fluid sample is an unhydrolysed urine sample.

US 5,641,687

A method of analysing a body fluid sample for the presence of an analyte indicative of a physiological condition. The method includes assessing the binding of the analyte to an immunological binding partner to the analyte. The immunological binding partner is capable of binding to a peptide comprising:

Wherein K-K-K is hydroxylysyl pyridinotine or lysyl pyridinotine.

US 5,455,179

A method of analysing a body fluid sample for the presence of an analyte indicative of a physiological condition. The method includes the step of assessing the binding of an immunological binding partner to the analyte. The immunological binding partner binds to:

Wherein K-K-K is lysyl pyridinoline or hydroxylysyl pryridinoline

US 5,919,634

A method of analysing a body fluid sample for the presence of an analyte indicative of a physiological condition. The method includes assessing the binding of the analyte to an immunological binding partner, and correlating any detected binding to the physiological condition. The immunological binding partner is capable of binding to a cross-linked peptide consisting of:

Wherein K-K-K is hydroxylysyl pyridinoline or lyoyl pyridinoline. The parentheses inidcate optional amino acid residues.

US 5,702,909

A method of analysing a body fluid sample for the presence of an analyte indicative of a physiological condition. The method includes assessing the binding of the analyte to an immunological binding partner to the analyte. The immunological binding partner is capable of binding to a peptide comprising:

K-K-K is hydroxylysyl pyridinoline or lysyl pyridinoline.

The following Patents relate to cell lines, or fragments of monoclonal antibodies

US 5,300,434

A cell line that produces a specific binding partner that binds to first and second peptide consisting essentially of the structure:

Wherein K-K-K is hydroxylsyl pyridinoline or lysyl pyridinoline.

US 5,473,052

An antigen-binding fragment of a monoclonal antibody wherein said antibody is produced by a cell having the identifying characteristics of ATTC No HB 10611 and the antigen-binding fragment is isolated chain of the antibody or is selected from the group consisting of Fab, Facb, F(ab')2, Fab' and Fd fragments of the antibody.

The following Patents relate to methods for assessing connective tissue

US 5,700,694

A method to assess connective tissue (esp. bone) in order to assess metabolism in disease or to monitor therapy. The method comprises assessing the levels of native free collagen-

- 8 -

derived crosslinks in biological fluids especially urine. The method can be enhanced by concomitantly determining the levels of an indicator of bone formation in biological fluids of the same indiv. and assessing the differences between the degradation marker and the formation indicator. Antibodies which are specifically immunoreactive with forms of crosslinks which occur free in biological fluids are also disclosed.

US 4,628,027

In vitro diagnostic methods using monoclonal antibodies specific for corrective tissue proteins are used to form a collagen profile of human body tissues and fluids. By assessing changes in these profiles, the effectiveness of a treatment, for inflammatory diseases, fibrotic diseases and cancer can be assessed.

The following Patents relate to specific compositions

US 5,912,131

A composition comprising peptides produced by digesting bone collagen with a protease capable of generating peptides that bind to Mab 1H11. The digested bond collagen is then purified to increase the concentration of peptides that contain a 3-hydroxylpyridinium crosslink by at least 10-fold.

US 5,472,884

Compositions useful in quantitating collagen peptides to determine the rate of bone resorption are prepared by treating bone with a protease, such as collagenase, and purifying the compositions so as to enrich them with peptides capable of binding to the monoclonal antibody Mab-1H11.

US 5,320,970

Compositions useful in quantiating collagen peptides to determine rate of bond resorption are prepared by treating bone with a protease, such as collagenase, and purifying the compositions so as to enrich them with peptides capable of binding to the monoclonal Mab-1H11.

The following Patents relate to specific peptides

US 5,962,639

Peptides synthesised to match the human a1(I) and a2(I) telopeptide sequences of the type I collagen metabolites, preferably selected from among:

Asp-Glu-Lys-Ser-Thr-Gly-Gly; Gln-Tyr-Asp-Gly-Lys-Gly-Val-Gly; and Glu-Lys-Ala-His-Asp-Gly-Gly-Arg. These peptides are useful as calibrators and antigens in immunoassays for detecting type I collagen degradation products from body fluids.

US 5,140,103

Wherein Hyl-Hyl-Hyl is hydroxylysyl pyridinoline.

US 5,750,647

Synthetic linear peptides embodied by Y-Tyr-Asp-Gly-X-Gly-Val-Gly which mimic the epitope recognised by mAb 1H11 (ATCC No. HB 10611) in crosslinked N-telepeptides of type I collagen (NTx).

US 5,817,755

Synthetic linear peptides embodied by Xaa-Tyr-Xaa-Gly-Xaa-Gly-Val-Gly which mimic the epitope recognised by mAb 1H11 (ATCC No. HB 10611) in cross-linked N-telopeptides of type I collagen (NTx).

Adamczyk et al.

The utility of two immunogens prepared from benzyl ester for development of assays for osteroporosis is disclosed

Atley et al.

An immunoassay for cross-linked N-telopeptides of type I collagen in urine or serum is used to show osteoclast mediated bone resorption.

Brame et al.

Extremely reactive –ketoaldehydes were identified as products of the isoprostane pathway. Their lysyl protein adducts were characterised. It was investigated whether isoprostane endoperoxide intermediates rearranged to levuglandin-like compounds.

Hanson et al

A molecular site specificity investigation of pyridinoline and pyrrole cross-links in Type I collagen of human bone.

Hughes et al

Proposes that amino-ketone forms of collagen cross-links undergo a spontaneous Knorr condensation with each other, or with other species to produce a pyrrolic cross-link.

Kemp et al

An investigation into Ehrlich chromogens. It is postulated that a structure is present in collagent azo-EC-peptides containing two EC groups shared between four peptide chains. Based on this structure about 15% of adult bone collagen contains EC groups.

PHIP\314549\1 - 11 -

Kuypers et al

Identification of the loci of collagen-associated Ehrlich chromogen in Type I collagen. The collagen-associated EC is postulated to be a trisubstituted pyrrole.

Lombard et al

Three reagents for detecting indole were compared. The reagents were Kovac, Ehrlich and p—dimeOnylamino-cinnamaldehyde (DMCA). DMCA was found to be the most sensitive detector of indole. It also allowed detection of indole derivatives. Kovac reagent was the least sensitive.

McBrayer et al

An investigation into the diffusion coefficient and solubilities of several metals using the candidate metals as the electrode Diffusion coefficients are estimated from a closed form solution of the diffusion equation.

Raghavan et al

An investigation of the diffusion of coppoer through dielectric films under bias temperature stress. The leakage current through various dielectric films was characterised as a function of electric field and elevated temperature. Both electric field and temperature were found to strongly affect the dielectric barrier lifetime.

Rajkumar et al

The reaction of levuglandin $(LG)E_2$ with proteins generates pyrrole derivatives that are detected with an Ehrlich assay. The pyrroles formed by the reaction of LGE_2 with simple amines are chemically sensitive, but a stable derivative is obtained by trifluoroacetylation.

Ramanakoppa et al

A report of the purification and characterisation of a glycation end-product derived from one of the major degradation products of ascorbate.

Salomon et al

A method of producing iso[4] LGE₂-protein by radical-induced oxidation of aractidonic acid in the presence of protein or free radical-induced oxidation of LDL, the LGE₂ isomers may then be efficiently dequestered by covalent adduction with LDL-based amino acid groups.

LDL = low density lipoprotein

Scott et al

A method for isolating polypeptides associated with the Ehrlich chromogen from collagen digests utilising diazotized arylamine-cellulose supports. These peptides, in which the Ehrlich chromogen is "labelled" with yellow diazo colour constitute less than 0.5% of the collagen and have amino acid patterns similar to those around the cross link regions. The chromogen is not identical with pyridinoline also thought to be a polyvalent cross link.

This statement is being submitted before receipt of any office action on the merits. Thus, no fee is due for the filing of this paper. However, if a fee is due, please charge deposit account 50-0573.

Respectfully submitted,

JEFFREY D. BRADY, et al

DANIEL A. MONACO
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